

# CLARK HILL

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February 11, 2016

Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
VIA FACSIMILE: (202) 219-3923

Re: **MUR 6995: Right to Rise USA Response to Complaint**

Dear Mr. Jordan:

We are writing this letter on behalf of Right to Rise USA ("RTR"), and Charles R. Spies, in his official capacity as Treasurer, in response to the Complaint filed in the above-referenced matter by Citizens for Responsibility and Ethics in Washington ("CREW"). CREW fashions itself as a good government group that works "to ensure government officials -regardless of party affiliation- act with honesty and integrity and merit the public trust." Yet, since CREW was taken over by Hillary Clinton henchman, David Brock, in August of 2014, the group has been nothing more than a partisan extension of the Clinton machine, shooting off meritless complaints solely against conservative and Republican candidates and organizations—all aimed at scoring cheap political points.<sup>1</sup> The current complaint is more of the same, and should be promptly dismissed.

The Federal Election Commission (the "Commission") may find "reason to believe" only if a Complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Federal Election Campaign Act (the "Act"). See 11 C.F.R. § 111.4(a), (d). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true. See MUR 4960, Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons (Dec. 21, 2001). Moreover, the Commission will dismiss a complaint when the allegations are refuted with sufficiently compelling evidence. See *id.*

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<sup>1</sup> See Kenneth P. Vogel, *David Brock Expands Empire*, POLITICO, Aug. 13, 2014, available at <http://www.politico.com/story/2014/08/david-brock-citizens-for-responsibility-and-ethics-in-washington-110003?o=1>; see also Chuck Ross, *David Brock's CREW, A Watchdog That Doesn't Bite*, DAILY CALLER, Jan. 22, 2016, available at <http://dailycaller.com/2016/01/22/david-brocks-crew-a-watchdog-that-doesnt-bite/>.

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CREW's allegations against RTR are limited to a single conditional sentence, in which it suggests that **"if"** RTR knowingly accepted a contribution in the name of another, it **"may"** have violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b). CREW is wrong on both the facts and the law because it fails to provide a single piece of evidence to support this insinuation. In fact, it does not include any information whatsoever—either from public resources or personal knowledge—that would inform its unreasonable belief that RTR violated any provision of the Act. Instead, CREW relies solely on its own speculation about RTR's fundraising activities in an attempt to conjure up a claim against RTR.

RTR has and continues to fully comply with its requirements under the Act. Courts have consistently concluded that independent expenditure-only committees (i.e. "Super PACs") are permitted to accept contributions from individuals, corporations, labor unions, associations, and other business entities, including LLCs. *See SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010); *see also Citizens United v. FEC*, 558 U.S. 310 (2010).

RTR has safeguards and controls in place to monitor its contributions and timely file complete and accurate reports in accordance with the Act. RTR's donor form clearly states that "federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in a calendar year," in accordance with the Commission's regulations. *See* 11 C.F.R. §§ 104.3(a)(4); 104.7. In an abundance of caution, the form also requires the donor's assurances that "the contribution, whether personal or corporate, will not be reimbursed by another person or entity." Such safeguards go above and beyond the requirements of the Act and the Commission's regulations.

In this case, RTR received contributions from two LLCs. There was nothing suspicious on the face of either contribution, and the contributions were deposited and reported in full compliance with the Act. RTR was not under any further obligations with respect to these contributions.

In presenting such a hollow argument, CREW identifies "no source of information that reasonably gives rise to a belief in the truth of the allegations presented." *See* MUR 4960, Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons (Dec. 21, 2001). CREW's partisan tactics have no place before the Commission, and the Complaint should be summarily dismissed.

In presenting politically-motivated and factually and legally unsubstantiated arguments, CREW has failed to demonstrate that RTR has violated any provision of the Act or the Commission's regulations. Instead, CREW has yet again invoked an administrative process as a means to continue its assault on its political opponents. The Complaint is based on malicious speculation and innuendo. We therefore respectfully request that the Commission recognize the legal and factual insufficiency of the Complaint on its face and immediately dismiss it.

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Thank you for your prompt consideration of these matters, and please do not hesitate to contact me directly at (202) 572-8663 with any questions.

Respectfully submitted,



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*Counsel to Right to Rise USA*

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